

REMARKS

Claims 1 and 3-24 are pending this application. Claims 1, 7 12, and 18 are amended to more particularly point out that which Applicant regards as the invention. Reconsideration of this application based on the amendments to the claims and the arguments presented here is respectfully requested.

35 U.S.C. § 103 Rejections

Claims 1, 3-5, 7-10, 12-16, and 18-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCrady (US 6,453,168) in view of Negishi (US 5,974,330). Applicant respectfully traverses this rejection.

McCrady does not teach or suggest the element “gathering a list of wireless addresses of nearby devices in communication with a network by the mobile device” as the Examiner suggests. McCrady does not possess any gathering functionality. McCrady discloses determining ranging location of the mobile devices. A radio sends an outbound ranging message and receives a reply message and ascertains a location based on time of arrival of the ranging messages. The addresses of the radios are irrelevant to this ranging technique. See col. 4, line 52-col. 5, line 8 and col. 6, line 44 – col. 8, line 3. One may mistake the Destination Address in an RTS-T message as “gathering address.” See col. 8, line 38. However, a Destination Address is merely the address used to indicate where to send the outbound or inbound message. Neither the reference radio nor the master radio is “gathering addresses” as claimed.

Moreover, McCrady explicitly states a method for “determining the three-dimensional indoor or outdoor position of a compact mobile communication device in the presence of severe multipath interference for using in the aforementioned applications.” Col. 3, lines 48-51. This statement limits the disclosure of McCrady to the method it employs, that is, determining location via ranging messages. As such, McCrady’s method is not congruent with the present claims, which employ quite different methods and structures to accomplish its goals. Accordingly, Applicant submits McCrady is an improper primary reference.

Negishi fails to cure any of McCrady’s deficiencies. Negishi does not disclose each and every element of the claims as the Examiner suggests. First, sending a location request to a location service as claimed is not disclosed. In Negishi, a portable telephone does not “send a

request” to, or is even aware of, a location service. See col. 3, line 66 – col. 4, line 14. Identifiers are merely extracted from the mobile device and displayed on the mobile device for a user to see on the mobile device.

Negishi also fails to disclose correlating a list of addresses with zone information of the database. Negishi does not provide a list of addresses for which a host could correlate with a database. The database of Negishi merely performs a lookup based on identifier data and provides the proper location of a base station from the data table. Because Negishi does not consider a concept of gathering and using a list of addresses, Negishi does not render the present claims obvious.

Moreover, the combination of McCrady and Negishi is improper. Combining Negishi with McCrady changes the principle operation of McCrady. Although both references disclose methods for determining location, the methods disclosed are quite disparate and incompatible. McCrady’s method of measuring the timing of inbound and outbound messages cannot utilize ranging or determining location via a lookup. Such a combination would utilize two different distances for a particular item’s location. Applicant submits that McCrady’s and Negishi’s methods are mutually exclusive. As such, a combination of the references is improper.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

Claim 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCrady and Negishi in view of Parry (US 2002/0164997). Applicant respectfully traverses this rejection.

As argued above, McCrady and Negishi do not disclose each and every element of the claims. Even if the combination were proper, Parry does not cure the deficiencies of the McCrady-Negishi combination. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Respectfully submitted,

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Dated: April 27, 2009

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